



11-17-06

DAC/Dep/Ref

Docket No.: 10016300-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.			
Express Mail Label No.:	EV856257154US	Name of Person Making the Deposit:	Desiree Reardon
Date of Deposit:	11/15/06	Signature of the Person Making the Deposit:	

Inventor(s): Susie J. WEE, et al.

Serial No.: 09/972,229

Group Art Unit: 2136

Filed: 10/04/01

Examiner: Shiferaw, E. A.

Batch No:

Title: ENCODING AND ENCRYPTING DEVICES FOR SECURE SCALABLE DATA STREAMING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE PTO COMMUNICATIONS  
PURSUANT TO 37 CFR 1.181(a) AND MPEP 711.03(c)(I)(A)

1. Applicant petitions that the abandonment set forth in the notice by the Office on 10/06/06 be withdrawn in the above captioned patent application based on failure to receive PTO Communications.

Namely, Applicant's undersigned representative did not receive the Office Action mailed on 03/09/06 (herein after "PTO communications").

2. Applicant hereby states that the above identified PTO communications were not received by the undersigned practitioner.

3. Applicant hereby states that a search of the file jacket and docket records was performed by the undersigned practitioner and this search indicates that the above identified PTO communications were not received by the practitioner. A copy of the docket records of this search is submitted herewith.

4. Submitted herewith is:

[ X ] A copy of the docket records where the non-received PTO communications would have been entered had they been received and docketed. The non-received PTO communications would have been entered in the docket records of case serial number 09/972,229 on or around March 2006. As shown in the submitted docket records, no such entry is present.

[ X ] A copy of the Notice of Abandonment.

PETITION FEE

5. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

- [ X ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 08-2025. A duplicate copy of this authorization is enclosed.

REQUEST FOR REFUND OF PETITION FEE

6. [ X ] As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested.


REQUEST FOR WITHDRAWAL OF ABANDONMENT

7. Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

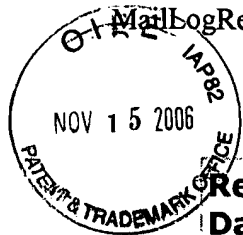
Wagner, Murabito & Hao LLP

Date: 11/15/06

By:   
John P. Wagner, Jr.

Reg. No. 35,398

**WAGNER, MURABITO & HAO LLP**  
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10016300-1

Receipt Date	Base Date	Action Type	Item Name
Nov-15-2001	Nov-08-2001	IPA-USPTO Filing Receipt	
Apr-22-2003	Apr-10-2003	IPA-USPTO Publication	
Jan-19-2005	Jan-13-2005	US OA 3 MO-FRML DWGS RQD	
May-24-2005	May-18-2005	OA FINAL	Office/Examiner's Action
Nov-10-2005	Nov-07-2005	OA 3 MO	Office/Examiner's Action
Oct-11-2006	Oct-06-2006		Notice of Abandonment



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HP LEGAL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	HPA	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,229	10/04/2001	Susie J. Wee		HP-10016300	4644

7590

10/06/2006

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

Fort Collins, CO 80527-2400

EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

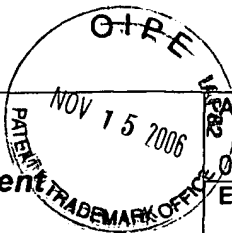
2136

DATE MAILED: 10/06/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Abandonment**



Application No.

09/972,229

Examiner

Eleni A. Shiferaw

Applicant(s)

WEE ET AL.

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 March 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The examiner called the attorney and he said send abandonment notice.

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

*[Signature]*  
10/02/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.